



CONEWAGO TOWNSHIP

YORK COUNTY, PENNSYLVANIA

Special Meeting to Review the DRAFT Data
Center Ordinance and Overlay Map

Meeting Agenda

- Call to Order
- Welcome and Introductions – Mark E. Stivers, AICP Township Manager
- Review of procedures and rules for Special Meeting
- Review of the DRAFT Ordinance & DRAFT Zoning Map Amendment
 - Brett Flower, Esq. Eckert Seamans
 - Derek Rinaldo, EIT, CS Davidson
- Questions from Board of Supervisors and Planning Commission
- Recognition of Public Comments
- Adjournment

Meeting Rules of Conduct and Decorum

- **In order to have a successful meeting, the following rules shall apply:**
 - All speakers must be recognized by the meeting Chair before speaking. Shouting from the seats is strictly prohibited.
 - When recognized, speakers shall proceed to the microphone before speaking
 - Speakers must identify themselves and note their address for the record.
 - Speakers must address all comments to the meeting Chair
 - Public comment is limited to 5 minutes per speaker

Meeting Rules of Conduct and Decorum

- **Prohibited behavior shall include:**
 - Personal attacks to the Board, Planning Commission, Staff, and public
 - Loud displays of approval or disapproval
 - Approaching the dais or speakers without express permission
 - Displaying signs or banners that will obstruct the view or pose a safety hazard

Why an Ordinance is needed:

1. The Township currently has no regulations in its Zoning Ordinance to regulate Data Centers.
2. Under Pennsylvania land use law, a zoning ordinance is unconstitutional if it is **exclusionary**—meaning it either completely bans a legitimate use from the entire municipality (**de jure exclusion**) or allocates so little land to it that the provision is merely a token gesture (**de facto exclusion**).
3. The "**Fair Share**" **Doctrine** requires a municipality to provide reasonable space to accommodate its fair share of all legitimate land uses based on regional growth, development patterns, and market demand.

Why an Ordinance is needed:

To satisfy the "fair share" requirement without allowing tech conglomerates to blindside local infrastructure, the Township is taking **proactive zoning steps**:

1. **Adopt Explicit Definitions:** Clearly define a "Data Center" as a distinct land use so it is no longer a "blank space" subject to interpretation.
2. **Designate Specific Overlay Zone:** The Township has a DRAFT Map that shows a specific, restricted area where the infrastructure (fiber, high-voltage power lines) can actually support the use. This satisfies the legal requirement to "provide space" while confining the use to appropriate boundaries.

Why an Ordinance is needed:

- 3. Utilize Conditional Use Status:** Rather than making it a permitted use by right, the Township is proposing to classify data centers as a **Conditional Use**. This allows the Supervisors to attach strict, legally binding conditions to the approval, such as ambient noise limits for cooling fans, water recycling/closed-loop system mandates, and grid-capacity testing.

Note: State-level reporting rules passed as part of the 2026 budget now require facilities using over 10 MW to disclose water and energy metrics, giving local Municipalities better data to evaluate these conditions during the land development process.

Curative Amendment – 180 Day Moratorium

- At the July 7, 2026 Board of Supervisor's meeting, the Supervisors unanimously voted to adopt Resolution 2026-13.
- This Resolution puts in place a 180 day moratorium on all applications for data center.
- The Curative Amendment Resolution prevents a developer from filing a substantive validity challenge to the township's zoning ordinance for not allowing data centers.
- The 180 day moratorium ends on January 3, 2027

York County – Premier location for Data Centers in the Mid-Atlantic Region

1. Robust Power Infrastructure & Transmission Capacity

- a) **High-Voltage Grid Access:** Immediate proximity to major PJM Interconnection high-voltage electric transmission corridors.
- b) **Proximity to Power Generation:** Access to regional baseload generation—including nearby nuclear assets such as CCEC planned restart (TMI) and natural gas generation assets like Brunner Island

2. Strategic Location & Fiber Access

- a) **Geographic Proximity to Major Metro Hubs:** Situated along key transit corridors (I-83, PA Turnpike) with fast latency to major Mid-Atlantic markets (Baltimore, Washington D.C., Philadelphia).
- b) **Dense Dark Fiber Networks:** Lying directly along major interstate fiber-optic trunks, enabling high-speed, low-latency connectivity necessary for AI training and cloud infrastructure.

York County – Premier location for Data Centers in the Mid-Atlantic Region

3. Suitable Land & Water Resources

- a) **Large Contiguous Parcels:** Availability of multi-acre industrial and former commercial tracts (often 75+ acres) needed to host sprawling server halls, substations, and cooling yards.
 - b) **Water Utility Connections:** Access to public water utilities capable of supporting closed-loop or evaporative cooling systems overseen by the Susquehanna River Basin Commission (SRBC).
- Strategic Location & Fiber Access

Overlay Scope & Key Definitions

Overlay Mechanics & Scope

- **Developer Option:** Applicants may choose between DCO provisions or underlying zoning rules.
- **Parent Parcel Requirement:** DCO rules apply strictly to developments on qualifying tracts.
- **Cohesive Standards:** Applies comprehensive environmental, acoustic, and aesthetic overlay controls.

Key Terms (§ 201)

- **Data Center:** Facilities housing/operating computer & telecom equipment for digital storage & processing.
- **Accessory Uses:** Systems supporting cooling, power supply, cloud communication, & mechanical controls.
- **Design Capacity:** Calculable maximum load infrastructure capacity (excluding actual utilization).
- **Audible/Visual Screening:** Barriers, berms, or walls designed for sound absorption or visual opacity.

Data Center DRAFT Ordinance:

Development Parameter	Standard DCO Requirement	Residential / Ag Adjacency
Minimum Parcel Area	100 Contiguous Acres	100 Contiguous Acres
Minimum Lot Width	200 Feet (at building setback line)	200 Feet (at building setback line)
Perimeter Building Setback	250 Feet from property line	500 Feet from residential zone/use
Maximum Height	90 Feet (incl. mechanical/roof equipment)	50 Feet max for accessory structures
Maximum Impervious Coverage	55% Total Parcel Area	55% Total Parcel Area

Data Center DRAFT Ordinance:

50-Foot Perimeter Buffer

Required along all exterior parcel boundaries to continuously screen facilities year-round:

- ✓ **15-Foot Earthen Berm:** Located within 10 ft of property lines with steepness limits for stability.
- ✓ **Multi-Row Planting:** Combination of dense evergreen and deciduous trees planted on berms.
- ✓ **5-Year Landscape Bond:** Financial security equal to 110% of plant/berm installation cost.
- ✓ **Annual Maintenance:** Dead/diseased trees must be replaced within one growing season.

Data Center DRAFT Ordinance:



Acoustic Compliance: Requires baseline 24-hr sound study, predictive modeling, and post-construction testing at 90% capacity. Generator testing restricted to Mon-Fri (9am-4pm) with 65 dBA max limit.

Conditional Use Process:

In Pennsylvania, a conditional use is a land use that is permitted in a specific zoning district, provided it meets the explicit standards and criteria set forth in the local zoning ordinance.

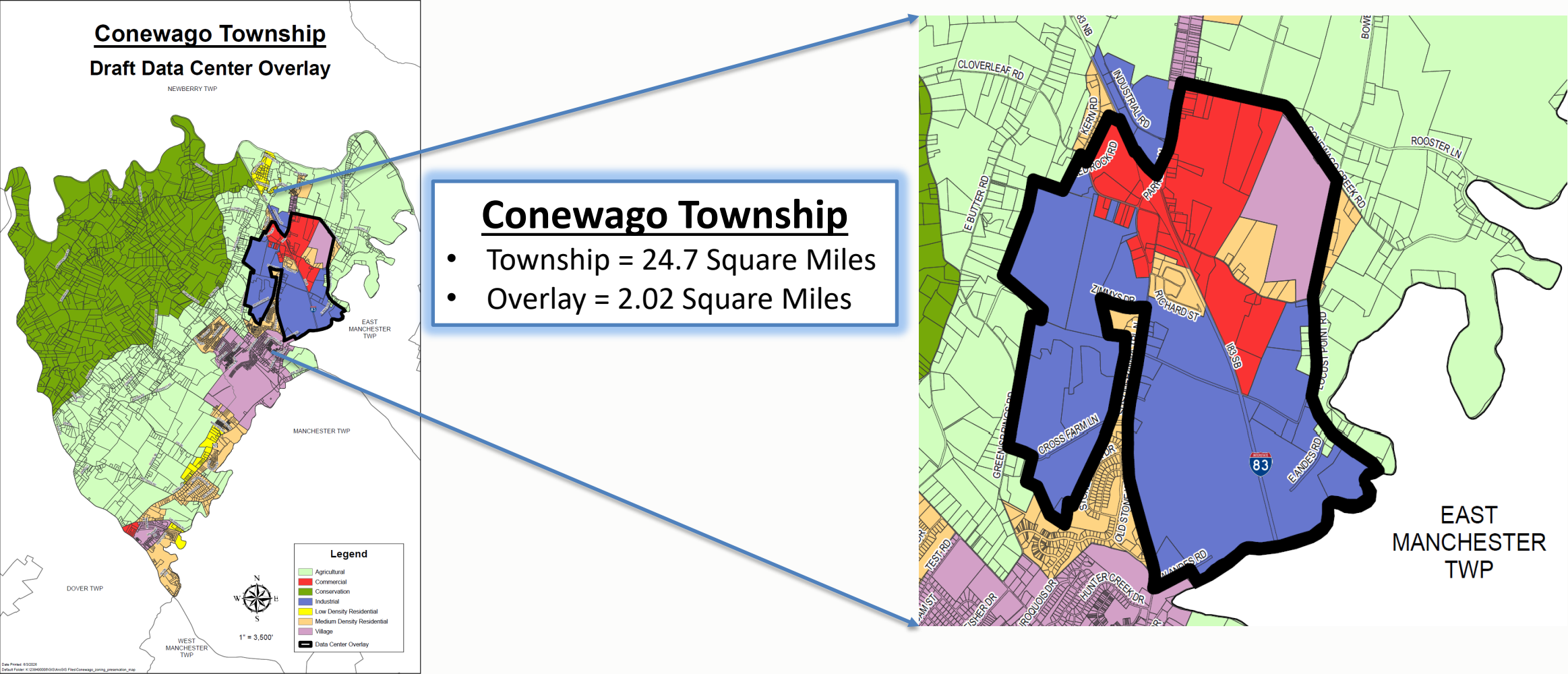
- **Jurisdiction:** Heard and decided by the Board of Supervisors, *not* the Zoning Hearing Board (ZHB handles Special Exceptions and Variances).
- **Quasi-Judicial Role:** During a conditional use proceeding, the governing body acts as a judge/court—not a legislative body. Supervisors must remain impartial adjudicators, avoid *ex parte* communications, and render a decision based strictly on the formal record.
- **Advisory Role:** The Township **Planning Commission** reviews the application beforehand and provides recommendations.

Conditional Use Process:

The Conditional Use process generally follows the following steps:

1. Application is submitted and checked for completeness
2. The full application is reviewed by the Township Planning Commission and comments are prepared for inclusion in the information presented during the hearing.
3. Public Hearing – Under the MPC, the first public hearing must take place within 60 days of the date of the application.
 - a) Notice in the newspaper
 - b) Property is posted
 - c) Notice mailed to adjacent property owners
4. Quasi-Judicial Public Hearing
5. Board Of Supervisors prepare a written decision within 45 days of the conclusion of the hearing

Data Center DRAFT Zoning Overlay Map:





Questions & Public Comments

We value community involvement. Please step forward to the microphone when recognized, state your full name and residential address, and limit remarks to 5 minutes.



THANK YOU!

We will post this presentation and other information on the Township website.

Stay tuned for upcoming meetings on this Ordinance and Map

Contact Information & Municipal Office:

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